

**IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

**BOARD OF TRUSTEES, NATIONAL)
STABILIZATION AGREEMENT OF THE)
SHEET METAL INDUSTRY TRUST)
FUND, et al.,)**

Plaintiffs,

v.

Civil Action No. 1:15-cv-1564

**PITT BALANCE CO., d/b/a)
PITT BALANCE COMPANY,)
Defendant.)**

ORDER

On August 28, 2020, United States Magistrate Judge Theresa Carroll Buchanan entered a Report and Recommendation (the “Report”) in this case, recommending that default judgment be entered in favor of Plaintiffs and against Defendant Pitt Balance Co. doing business as Pitt Balance Company.

Upon consideration of the record and Judge Buchanan’s Report, to which no objections have been filed, and having found no clear error,¹

The Court **ADOPTS**, as its own, the findings of fact and recommendations of the United States Magistrate Judge, as set forth in the Report (Dkt. 34).

Accordingly,

It is hereby **ORDERED** that plaintiff’s motion for default judgment (Dkt.29) is

¹ See *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (in the absence of any objections to a magistrate’s report, the court “need not conduct a *de novo* review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’”).


GRANTED.

It is further **ORDERED** that default judgment is entered against Defendant Pitt Balance Co. doing business as Pitt Balance Company, and in favor of Plaintiffs in a total amount of \$261,233.18, which consists of (i) \$67,669.59 in unpaid contributions from January 2012 to December 2014; (ii) \$88,471.77 in interest (calculated through April 30, 2020) from the audit period between January 2012 and December 2014; (iii) \$88,471.77 in liquidated damages from the audit period between January 2012 and December 2014; (iv) \$2,611.37 in liquidated damages for the period between April 2013 and December 2014; (v) \$2,123.75 in audit testing fees; and (vi) \$11,884.93 in attorney's fees and costs.

The Clerk of the Court is directed to enter Rule 58 judgment against Defendant Pitt Balance Co. doing business as Pitt Balance Company and in favor of Plaintiffs in the amount of \$261,233.18.

The Clerk is further directed to provide a copy of this Order to all counsel of record, to Defendant's last known address of record, and to place this matter among the ended causes.

Alexandria, Virginia
September 24, 2020



T. S. Ellis, III
United States District Judge